

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

ROBERT HIGH,

Plaintiff

Case No. 2:23-cv-00847-APG-DJA

ORDER

v.

NDOC, et al.,

Defendants

I. DISCUSSION

Plaintiff, who is an inmate in the custody of the Nevada Department of Corrections (“NDOC”), has filed a complaint, as well as an amended complaint, which appears to supplement, rather than replace the initial complaint. (ECF Nos. 1-1, 3.) Plaintiff has also filed a document titled “Addendum in Support of Original and Amended Civil Rights Complaints.” (ECF No. 6.) The Court will not piecemeal Plaintiff’s complaint together from multiple filings. Plaintiff’s operative complaint must contain all claims, defendants, and factual allegations that Plaintiff wishes to pursue in this lawsuit. Accordingly, the Court gives Plaintiff leave to file a single, complete, second amended complaint on or before February 19, 2024. If Plaintiff does not file a second amended complaint, the Court will screen the initial complaint and will not consider any allegations in the amended complaint or the addendum.

If Plaintiff chooses to file a second amended complaint, he is advised that a second amended complaint supersedes (replaces) the original complaint, and previously filed amended complaints, and, thus, the second amended complaint must be complete in itself. *See Hal Roach Studios, Inc. v. Richard Feiner & Co., Inc.*, 896 F.2d 1542, 1546 (9th Cir. 1989) (holding that “[t]he fact that a party was named in the original complaint is irrelevant; an amended pleading supersedes the original”); *see also Lacey v. Maricopa Cnty.*, 693 F.3d 896, 928 (9th Cir. 2012) (holding that for claims dismissed with prejudice, a plaintiff is not required to reallege such claims in a subsequent amended complaint to

1 preserve them for appeal). Plaintiff's second amended complaint must contain all claims,
2 defendants, and factual allegations that Plaintiff wishes to pursue in this lawsuit.
3 Moreover, Plaintiff must file the first amended complaint on this Court's approved prisoner
4 civil rights form, and it must be entitled "Second Amended Complaint."

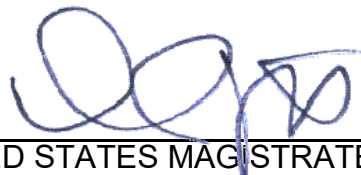
5 **II. CONCLUSION**

6 For the foregoing reasons, IT IS ORDERED that Plaintiff is granted leave to file a
7 single, complete, second amended complaint. If Plaintiff chooses to file a second
8 amended complaint, Plaintiff will file the second amended complaint on or before
9 **February 19, 2024.**

10 IT IS FURTHER ORDERED that the Clerk of the Court will send to Plaintiff the
11 approved form for filing a § 1983 complaint, instructions for the same, and a copy of his
12 initial complaint, his amended complaint, and his addendum (ECF Nos. 1-1, 3, 6). If
13 Plaintiff chooses to file a second amended complaint, he must use the approved form and
14 he will write the words "Second Amended" above the words "Civil Rights Complaint" in
15 the caption.

16 IT IS FURTHER ORDERED that, if Plaintiff does not timely file a second amended
17 complaint, the Court will screen the original complaint (ECF No. 1-1), and will not consider
18 any allegations in the amended complaint or the addendum.

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20 DATED this 18th day of January 2024.

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23 UNITED STATES MAGISTRATE JUDGE
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